

**TOWN OF GILBERT  
PLANNING COMMISSION STUDY SESSION  
COUNCIL CHAMBERS  
50 E. CIVIC CENTER DRIVE  
GILBERT, AZ  
MARCH 7, 2018**

**COMMISSION PRESENT:** Chairman Kristofer Sippel  
Commissioner Carl Bloomfield  
Commissioner David Cavenee  
Commissioner Greg Froehlich  
Commissioner Brian Johns  
Commissioner Joshua Oehler (not on dais for Agenda Item 1)  
Alternate Commissioner Daniel Cifuentes (not on dais for Agenda Item 1)

**COMMISSION ABSENT:** Vice Chairman Brian Andersen  
Alternate Commissioner Seth Banda

**STAFF PRESENT:** Amanda Elliott, Economic Development  
Gilbert Olgin, Planner II  
Keith Newman, Planner II  
Ashlee MacDonald, Senior Planner  
Amy Temes, Senior Planner  
Nathan Williams, Senior Planner  
Planning Manager Linda Edwards

**ALSO PRESENT:** Attorney Nancy Davidson  
Recorder Debbie Frazey

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**CALL TO ORDER**

Chairman Kristofer Sippel called the March 7 Study Session of the Planning Commission to order at 5:18 p.m. Chairman Sippel invited Amanda Elliott to give an update on the Redevelopment Plan.

**1. UPDATE ON REDEVELOPMENT**

Amanda Elliott introduced herself as the Heritage District Liaison and the Redevelopment Administrator for the Town of Gilbert. She said she would be providing an update of where they

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are in the Redevelopment Plan process. She indicated that the Heritage District was designated a Redevelopment Area for a state statutory process of slum and blight removal in 1989. She said the first Redevelopment Plan was delivered in 1991, and subsequently there have been three Redevelopment Plans in 2001, 2008 and 2018. She said that as part of the statutory requirement, they are required to ensure that their Redevelopment Plan is consistently up to date. She noted that there has been a tremendous amount of growth in the Heritage District since the last Redevelopment Plan in 2008. She stated that the current process began back in 2015 when they began engaging with the public. She indicated that they have provided a number of community outreach opportunities. She said they have hired a consulting firm, Crandall Arambula, with extensive experience nationally, to head up the Redevelopment efforts and they have sub-consultants to bring the local understanding of Gilbert to the process. She said they have utilized a Stakeholder group comprised of residents, businesses, property owners, neighborhood organizations and advocacy groups and developers. She said they also have a Technical committee made up of individuals from each department in the Town of Gilbert.

Amanda Elliott said they had asked their consultant to provide a comprehensive Scope of Work. She said they had also asked them to look at a Land Use Plan. She said that Gilbert owns 57 percent of the non-residential land in the Heritage District, so it seemed important that they consider how they will plan that land over the next 10 years and beyond. She shared a timeline of the project. She shared some images of the public workshops that had been held. She said the first workshop provided an interactive opportunity for people to provide feedback. In addition to the workshop, they had 14 different meetings with various stakeholders. She indicated that at the second workshop, they presented the Fundamental Concept to the participants. This workshop was followed by five meetings to discuss the Fundamental Concept. She also shared that there is an online engagement area with a page dedicated to the Heritage District Update, [gilbertaz.gov/HDUpdate](http://gilbertaz.gov/HDUpdate).

Amanda Elliott shared the Fundamental Concept, noting that those issues most often discussed by the public were incorporated into the Fundamental Concept. She shared a Market Analysis. She shared a Transportation Analysis, which indicated that currently there are approximately 20,000 trips a day on Gilbert Road, but it is estimated that this will increase by 30 percent by 2035 to 29,000 trips a day. The Fundamental Concept includes ways that they can better circulate traffic throughout the Heritage District, considering there is only one main road that is the entrance and exit for the District. She also discussed the Transit Analysis, noting that they also have to plan for a Transit Center. She discussed the Land Use Analysis and the Land Use Plan Concept. The Land Use Plan Concept addresses three key redevelopment areas, as well as essential public amenities. She shared some of the possible public amenities: an “Instagram-Worthy” Civic Center gathering space, a “Commons” area that would provide views from Gilbert Road, potential neighborhood park amenities and a pedestrian and bicycle paseo, which would be a strolling walkway that would link the Heritage District from the northernmost point to the southernmost point. She said they were also proposing a pedestrian underpass under the railroad, which would also link the entire area. She discussed another amenity, the Vaughn

Ventilator, which would create a new road that would cross over the canal and link to Neely. She also said they have received many requests for a retail component in the Heritage District. She indicated that to create an ideal retail situation, 8,000 to 15,000 traffic trips are necessary. The addition of the Vaughn Ventilator could provide 7,200 trips and would create an environment that would be great for retail off of Gilbert Road. She shared a graphic which indicated what this might look like.

Ms. Elliott shared the three key redevelopment areas, the north anchor, the District core, and the south anchor, and provided information on the type of development the market could bear in these redevelopment areas. She shared that they are looking forward to the suggestions that come back from the development community for these key areas. She then discussed the next steps for the project, noting that they are currently refining the concept by considering all of the input they have received and they are also pulling together the preliminary draft of the Redevelopment Plan. She said they will be back with the preliminary Redevelopment Plan on April 3 at a public meeting at the University Building, 92 W. Vaughn Avenue. She encouraged the Commission to add their input on the online forum. She pointed out that they hope to have the Redevelopment Plan finalized by June 30, followed by the Plan being brought before Council for discussion in September at their retreat, and considered for potential adoption in October.

Question: Chair Sippel said this is an exciting part of the Town. He asked what choosing the box marked “other” on the feedback form would mean.

Answer: Amanda Elliott said that this would allow a resident to provide feedback on an area not specifically listed.

Question: Carl Bloomfield said that he has an employee that lives in Maricopa that deals with the railroad traffic there. He said he realizes Gilbert doesn’t have as many trains going through the Town, but he said the number may increase due to commuter rail service and other things that have been discussed. He asked what she envisioned looking forward, in terms of the rail line and its uses and how busy it would be.

Answer: Amanda Elliott said she didn’t consider herself the ideal person to answer the question. She said the Transportation Director would better be able to answer the question. She said she is excited about the Transportation Center and they hope to acquire a portion of the Foxworth Galbraith site to allow them to build a more comprehensive Transportation Center, as well as better parking. She said she wished she had better information to share regarding the number of trips or the phasing plan, but she has a limited knowledge in this area. She believes it will start with suburbs to Phoenix and then the commuter rail will grow from Phoenix to Tucson.

At this time, Commissioner Oehler and Alternate Commissioner Cifuentes took their place on the dais. Chairman Sippel then called the next item on the agenda.

## **2. Z17-1022: CHANDLER HEIGHTS AND VAL VISTA (HAMSTRA DAIRY) - REQUEST TO REZONE APPROXIMATELY 160.46 ACRES OF REAL**

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**PROPERTY GENERALLY LOCATED AT THE NWC OF VAL VISTA DRIVE AND CHANDLER HEIGHTS ROAD FROM MARICOPA COUNTY RURAL 43 (RU-43) ZONING DISTRICT TO 51.36 ACRES OF TOWN OF GILBERT SINGLE FAMILY -7 (SF-7), 35.62 ACRES OF TOWN OF GILBERT SINGLE FAMILY 8 (SF-8) AND 73.48 ACRES OF TOWN OF GILBERT SINGLE FAMILY 10 (SF-10) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT TO MODIFY SIDE YARD SETBACKS AND MAXIMUM LOT COVERAGE.**

**S17-1012: CHANDLER HEIGHTS AND VAL VISTA (HAMSTRA DAIRY) - REQUEST FOR PRELIMINARY PLAT AND OPEN SPACE PLAN FOR CHANDLER HEIGHTS AND VAL VISTA BY MARACAY HOMES FOR 332 HOME LOTS (LOTS 1-332) ON APPROXIMATELY 160.46 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NWC OF VAL VISTA DRIVE AND CHANDLER HEIGHTS ROAD FOR 125 LOTS OF SINGLE FAMILY 7 (SF-7), 79 LOTS OF SINGLE FAMILY 8 (SF-8) AND 129 LOTS OF SINGLE FAMILY 10 (SF-10) ZONING DISTRICTS WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Nathan Williams began his presentation on Z17-1022 and S17-1012, Chandler Heights and Val Vista (Hamstra Dairy). He reminded the Commission that this case had been before them at a previous meeting. He shared the location of the project at the northwest corner of Chandler Heights and Val Vista Drive. He said the site is 160.5 acres in total. He said there is no General Plan Amendment being requested, but there is a current annexation request being processed to annex this parcel into the Town. He stated that there are 332 lots and he provided a breakdown of the zoning the applicant was requesting, which is a combination of Single Family 7 (SF-7), Single Family 8 (SF-8) and Single Family 10 (SF-10) with a PAD. He provided the lot counts for each zoning district. He said this application was also a Preliminary Plat and Open Space Plan request for the 332 units. He said they are proposing to improve the surrounding infrastructure and roadways, as well as providing over 32 percent of Open Space. He shared a graphic of the 160 acres, noting that Chandler is situated on the west and south and the Town of Gilbert is on the north and the east. He shared the zoning exhibit and the Development Plan which will be part of the zoning. He shared the access points, noting that there are four access points into the development on every side. He said they are gating the SF-10 (western) portion. He said that Traffic Engineering is comfortable with the applicant's plan with the improvements to Brooks Farm Road and 148<sup>th</sup> Street which are adjacent to the development. He said Val Vista Road improvements would also occur with this project. He said traffic is a major issue in this area. He stated that the number one concern raised by residents in the area was traffic. He shared that the Town has a Capital Improvement Project that should be completed at the end of 2019. He said they are working with the developer and the CIP to try and link the connections up. He pointed out that Val Vista is currently only improved to Appleby, which is a mile north of Brooks Farm Road. He said they want to link it up so that all of Val Vista is improved from

Appleby down through the subject site. Planner Williams said that the Town wants to see all of Brooks Farm improved from this access point to 148<sup>th</sup> Street. He said that Staff is working with the applicant to get that done.

Planner Williams shared Phase 1 and indicated what items would be completed in Phase 1. He said a significant portion of the lots of all types (SF-7, SF-8 and SF-10) would be improved in this phase, as well as all of the surrounding infrastructure and roadways. He said the applicant is proposing some development deviations as shown below and highlighted in **bold**:

**Project Data Table**

<b>Site Development Regulations</b>	<b>LDC Single Family 7 (SF-7)</b>	<b>Proposed Development for Chandler Heights and Val Vista – Maracay Homes (Z17- 1022) SF-7 PAD</b>
Minimum Lot Area (sq. ft. per DU)	7,000	7,000
Minimum Lot Dimensions (width x depth)	65' x 100'	65' x 100' (65' x 130' – typical)
Maximum Building Height	30' / 2-story	30' / 2-story
Minimum Building Setbacks:		
Front Yard	20'	20'
Side Yard	5' & 10'	<b>7' / 8'</b>
Rear Yard	20'	20'
Lot Coverage	45% single-story 40% two-story	<b>47% single-story</b> 40% two-story

**Project Data Table**

<b>Site Development Regulations</b>	<b>LDC Single Family 8 (SF-8)</b>	<b>Proposed Development for Chandler Heights and Val Vista – Maracay Homes (Z17-1022) SF-8 PAD</b>
Minimum Lot Area (sq. ft. per DU)	8,000	8,000
Minimum Lot Dimensions (width x depth)	75' x 100'	75' x 100' (85' x 140' – typical)
Maximum Building Height	30' / 2-story	30' / 2-story

<b>Site Development Regulations</b>	<b>LDC Single Family 8 (SF-8)</b>	<b>Proposed Development for Chandler Heights and Val Vista – Maracay Homes (Z17-1022) SF-8 PAD</b>
Minimum Building Setbacks:		
Front Yard	20'	20'
Side Yard	10' / 10'	7' / 8'
Rear Yard	25'	25'
Lot Coverage	45% single-story 40% two-story	45% single-story 40% two-story

### **Project Data Table**

<b>Site Development Regulations</b>	<b>LDC Single Family 10 (SF-10)</b>	<b>Proposed Development for Chandler Heights and Val Vista – Maracay Homes (Z17-1022) SF-10 PAD</b>
Minimum Lot Area (sq. ft. per DU)	10,000	10,000
Minimum Lot Dimensions (width x depth)	85'x110'	85'x110' (100'x 150' – typical)
Maximum Building Height	30' / 2-story	30' / 2-story
Minimum Building Setbacks:		
Front Yard	25'	25'
Side Yard	10' / 10'	10' / 10'
Rear Yard	30'	30'
Lot Coverage	45% single-story 40% two-story	45% single-story 40% two-story

Nathan Williams said they are working with the applicant to see if extra lot coverage is necessary, or if they can utilize the Open Air Structure allowances instead of asking for 47 percent. He said they aren't proposing any deviations in SF-10. He shared a graphic of the Open Space design, noting the main entry which connects all of the different zoning districts, as well as north and south paseos, pocket parks for each subdivision and lots of interconnectivity. He indicated the location of the regional trail system and a 30' landscape tract. He also said with the improvements, they will also need to bring down a reclaimed water line into the site. He reminded the Commission that they had previously been concerned with the flag lots, stating that the applicant had provided graphics to make sure that the flag lots meet minimum standards. He said that Staff also desires that they don't create pinch points as the trails, sidewalks and Open Space areas come to the flag lots, so they are addressing the concern by not allowing any solid fencing to be built on the property lines, in an effort to open things up. He stated that Staff is in support of the project, with the exception of the few comments he has mentioned and said that

they are working through these comments with the applicant. He asked for feedback from the Commission.

Chair Sippel thanked Planner Williams for his presentation and called for questions or comments.

Comment: Carl Bloomfield thanked Planner Williams for his presentation and said he is excited about this project. He said his prior concerns were regarding traffic and the surrounding arterials. He said it seemed like Staff had addressed those concerns. He said he didn't personally have a problem with flag lots, but he had an issue with whether or not it made sense to have those pass through areas and whether it would be more of a walled alleyway and if it would serve the purpose of the developer.

Question: David Cavenee asked about the street outlets to the north and south. He wondered if they were going to line up with any other streets or if they were arbitrarily established based on lot lines.

Answer: Nathan Williams said that they will not be lining up with any other streets at this time.

Question: David Cavenee sought to clarify that there was nothing across the street.

Answer: Nathan Williams answered that there were currently 320 vacant acres to the north.

Question: David Cavenee asked if there was a similar situation to the south, even though that area was owned by Chandler and they wouldn't have much influence.

Answer: Nathan Williams said it was similar and he noted that 148<sup>th</sup> Street and Brooks Farm Road are both collector streets on the Town's circulation map.

Question: David Cavenee asked to clarify that only the west entrance was gated.

Answer: Nathan Williams answered affirmatively.

Question: David Cavenee asked if there were pedestrian passages through the secure opening.

Answer: Nathan Williams said there are pedestrian gates at the gated entry, as well as some other pedestrian gates at other locations. He said they would be operated by a punch code.

Question: David Cavenee said it appeared that there are County acre lots to the east. He asked if they had any thoughts or concerns with doing the tightest density right across the street from the acre lots. He said that typically they like to see it transition from large lots to smaller lots, but in this case they are going right from acre lots to SF-7.

Answer: Nathan Williams said that Commissioner Cavenee is correct, but noted that they would actually be going from acre lots to SF-8, not SF-7. He said they also have large landscape tracts so that not too many of the lots are actually very close to the Val Vista right-of-way. He said that Staff is comfortable with that.

Question: David Cavenee asked if most of the landscape areas were retention basins.

Answer: Nathan Williams answered affirmatively.

Question: David Cavenee asked about the basin with multiple lakes and wondered if it was also a retention area. He asked how that would look in a storm event and what might happen to all of the lakes, wondering if they would all flow together into one big swimming pool. He asked about the ability to use the amenity in some type of storm event.

Answer: Nathan Williams said that he would inquire about the answer to the question.

Comment: David Cavenee said he liked Staff's idea regarding the flag lots. He said that given the way they have laid out the design, he thinks this compromise helps keep the area open. He said he supports the proposed compromise. He said he doesn't support the reduction in side yard setback for the SF-8. He said the deviation request in the SF-7 portion is acceptable because it still provides the same total, but he doesn't support the reduction from a combined 20' to a combined 15'. He said he doesn't believe that is merited for a design that had open ground when they started designing it. He believes they could have designed to the Code and they chose not to. He also said he isn't in favor of the 2% increase in one-story and doesn't see the merit for that when they had the opportunity to design it right the first time. With the exception of the two deviations he is not in support of, he thinks it is a wonderful development and he supports it otherwise, minus his two concerns.

Comment/Question: Brian Johns said he is very supportive of this project. He said he loves the amenities and the little pocket parks that they have included throughout. He said he doesn't have any concerns with the flag lots and thinks that it creates character, but he wondered if it is a gated community on the west side and they don't have a wall there, how they will secure the development. He asked if they would only have a gate for vehicles and not for the pedestrians.

Answer: Nathan Williams said that they have a view fence and gate in the southern portion.

Question: Brian Johns sought to clarify that they would still have a secured opening.

Answer: Nathan Williams answered affirmatively, saying they would have a view fence with a gate and the residents can get through the gates.

Comment: Joshua Oehler said he is heavily in support of the design they are proposing so far, but he has a question on the deviations. He said he would like more information on why they feel they need the deviations. He said he wasn't bothered by the SF-7 deviation because they were basically swapping out one side for the other. He said he is not in favor of the SF-8 deviations and doesn't understand why they feel they need a 5' reduction. He said that sometimes these requests are only needed for a certain lot or two. He said if the reason they are requesting the deviation is for a tricky lot or two that they are trying to make work, then he would consider supporting the request, but if it is a blanket 5' reduction to all the lots, he doesn't see a reason for the reduction since the applicant was starting from scratch. He said he would



also like to see if the Open Structure 5% could cover the request for the 2% additional lot coverage.

Comment: David Cavenee said he agreed with Commissioner Oehler, that if the applicant has some type of physical site constraint that would merit a deviation, then he would like further information so he could better understand the request. He said at this point, he isn't aware of a site constraint, but he would want to know if there is some type of constraint that would require a deviation and if so, he would consider looking at it on a lot-by-lot basis.

Chair Sippel thanked Nathan Williams for his presentation.

### **3. Discussion of Regular Meeting Agenda**

Chair Sippel asked if anyone had any changes to the Regular Meeting Agenda. He said they are considering moving Item 14, Item 15 and Item 16 to the Consent Agenda.

### **ADJOURN STUDY SESSION**

With no other business before the Commission, Chair Sippel adjourned the Study Session at 5:55 p.m.

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Kristofer Sippel, Chairman

ATTEST:

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Debbie Frazey, Recording Secretary

**TOWN OF GILBERT  
PLANNING COMMISSION REGULAR MEETING  
COUNCIL CHAMBERS  
50 E. CIVIC CENTER DRIVE  
GILBERT, AZ  
MARCH 7, 2018**

**COMMISSION PRESENT:** Chairman Kristofer Sippel  
Vice Chairman Brian Andersen  
Commissioner Carl Bloomfield  
Commissioner David Cavenee  
Commissioner Greg Froehlich  
Commissioner Brian Johns  
Commissioner Joshua Oehler  
Alternate Commissioner Daniel Cifuentes

**COMMISSION ABSENT:** Alternate Commissioner Seth Banda

**STAFF PRESENT:** Gilbert Olgin, Planner II  
Keith Newman, Planner II  
Ashlee MacDonald, Senior Planner  
Amy Temes, Senior Planner  
Nathan Williams, Senior Planner  
Planning Manager Linda Edwards

**ALSO PRESENT:** Attorney Nancy Davidson  
Recorder Debbie Frazey

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PLANNER	CASE	PAGE	VOTE
Amy Temes	DR18-04-S	3	Approved
Amy Temes	S17-1010	3	Approved
Ashlee MacDonald	DR17-1178	3	Approved
Gilbert Olgin	DR17-1153	3	Approved
Gilbert Olgin	DR17-1163	11	Approved
Nathan Williams	DR17-1136	3	Approved
Amy Temes	GP17-1017	18	Approved
Amy Temes	GP17-1027	18	Approved
Ashlee MacDonald	Z17-1021	28	Approved
Keith Newman	Z18-01	32	Approved

**CALL TO ORDER REGULAR MEETING**

Town of Gilbert Planning Commission  
Regular Meeting March 7, 2018

Chair Kristofer Sippel called the March 7 Regular Meeting of the Planning Commission to order at 6:02 p.m.

## **ROLL CALL**

Recording Secretary Debbie Frazey called roll and a quorum was determined to be present.

### **4. APPROVAL OF AGENDA**

Chair Sippel called for a member of the Commission to approve the agenda. Vice Chair Brian Andersen made a **MOTION** to approve the agenda; seconded by David Cavenee; motion passed unanimously.

**Motion passed 7-0**

### **5. COMMUNICATION FROM CITIZENS.**

At this time, members of the public may comment on matters within the jurisdiction of the Town, but not on the agenda. The Commission/Board response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

Chair Sippel asked if there were any members of the public who wished to speak on something that was not on the agenda. Seeing no members of the public who wished to speak, he moved on to the next item on the agenda.

### **6. Appointment of Chairman and Vice Chairman**

At this time, Vice Chair Andersen made a **MOTION** to nominate Chairman Sippel to continue his duties as Chairman of the Planning Commission for another year; seconded by Carl Bloomfield; motion passed unanimously.

**Motion passed 7-0**

At this time, Chair Kristofer Sippel made a **MOTION** to nominate Brian Andersen to continue as Vice Chair of the Planning Commission; seconded by Carl Bloomfield; motion passed unanimously.

**Motion passed 7-0**

### **7. Appointment of Zoning Hearing Officer and Alternate Zoning Hearing Officer**

At this time, Chair Kristofer Sippel made a **MOTION** to appoint Joshua Oehler to continue in his position of Zoning Hearing Officer for another year and to appoint Carl Bloomfield as the Alternate Zoning Hearing Officer; seconded by Vice Chair Anderson; motion passed unanimously.

**Motion passed 7-0**

Before moving to the Public Hearing (Consent) Agenda, Chair Sippel said it had been requested to move item 12, DR17-1163, Commercial Development for HHB from the Public Hearing (Consent) Agenda to the Public Hearing (Non-Consent) Agenda.

**PUBLIC HEARING (CONSENT)**

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of the Commission/Board for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Sippel informed the members of the Public that the Consent Agenda (listed below with staff recommendations) would be heard in two separate motions. He then read the Public Hearing (Consent) Agenda items that would be approved in the first motion: Item 8, DR18-04-S, Circle G Gateway Center; Item 9, S17-1010, Cooley Station Parcels 9, 11, 17A, and 30; Item 10, DR17-1178, The Lakes at Annecy; Item 13, DR17-1136, Christian Brothers Automotive. Chair Sippel said that Item 11, DR17-1153, Highline Car Care, would be heard by separate motion. He also reminded the public that they had removed Item 12, DR17-1163 from the Consent Agenda. Chair Sippel then called for a motion on Items 8, 9, 10, and 13.

**At this time, Commissioner Greg Froehlich declared a Conflict of Interest on Items 8, 9, 10 and 13.**

Vice Chair Andersen made a **MOTION** to approve Item 8, DR18-04-S, Circle G Gateway Center; Item 9, S17-1010, Cooley Station Parcels 9, 11, 17A and 30; Item 10, DR17-1178, The Lakes at Annecy and Item 13, DR17-1136, Christian Brothers Automotive; seconded by David Cavenee; motion passed.

**Motion passed 6-0 (with Greg Froehlich abstaining due to Conflict of Interest)**

Vice Chair Andersen made a **MOTION** to approve Item 11, DR17-1153, Highline Car Care; seconded by David Cavenee; motion passed unanimously.

**Motion passed 7-0**

**PUBLIC HEARING (CONSENT)**

**The following agenda items (8, 9, 10 and 13) were heard in one motion.**

- 8. DR18-04-S, CIRCLE G GATEWAY CENTER MASTER SIGN PLAN FOR APPROXIMATELY 36.81 ACRES, GENERALLY LOCATED AT THE AT THE NORTHWEST CORNER OF POWER ROAD AND GALVESTON STREET AND ZONED REGIONAL COMMERCIAL (RC) AND BUSINESS PARK (BP), ALL WITH A WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

Approve the Findings of Fact and approve DR18-04-S, Circle G Gateway Center Master Sign Plan for approximately 36.8 acres, generally located at the northwest corner of Power Road and Galveston Street and zoned Regional Commercial (RC) and Business Park (BP), all with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the March 7, 2018 public hearing.
  2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
  3. Future Design Review approvals of new buildings will require a Minor Administrative Amendment to this MSP, prior to submitting for sign permits.
- 9. S17-1010 COOLEY STATION PARCEL 9, 11, 17A AND 30: REQUEST TO APPROVE THE PRELIMINARY PLAT AND OPEN SPACE PLAN FOR 594 SINGLE FAMILY HOME LOTS ON APPROXIMATELY 114.80 ACRES OF REAL PROPERTY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF WILLIAMS FIELD ROAD AND RECKER ROAD IN THE SINGLE FAMILY - DETACHED (SF-D) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

Move to approve the Findings of Fact and S17-1010, Cooley Station Parcels 9, 11, 17A and 30 Preliminary Plat and Open Space Plan for approximately 114.80 acres consisting of 594 single family lots, generally located south and east of the southeast corner of Recker and Williams Field Roads and zoned Single Family – Detached (SF-D) with a Planned Area Development (PAD) overlay, subject to the following conditions;

1. The Final Plat and Open Space Plans for Cooley 9, 11, 17A and 30 and construction of the project shall be in substantial conformance with Attachments 3, 4 and 5 approved by the Planning Commission/ Design Review Board at the March 7, 2018 public hearing.
2. South Betty Street shall be shifted 220' from South Oliver Street per Attachment 7.

**10. DR17-1178, THE LAKES AT ANNECY: BUILDING ELEVATIONS, FLOOR PLANS, AND COLORS AND MATERIALS FOR A 216 UNIT MULTI-FAMILY RESIDENTIAL COMMUNITY ON APPROXIMATELY 10.97 ACRES, LOCATED AT THE SEC OF VAL VISTA DRIVE AND BOSTON STREET IN THE MULTI-FAMILY LOW (MF/L) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY**

**STAFF RECOMMENDATION**

Approve the Findings of Fact and approve DR17-1178, The Lakes at Annecy: Building elevations, floor plans, and colors and materials for a 216-unit multi-family residential community on approximately 10.97 acres, located at the SEC of Val Vista Drive and Boston Street in the Multi-Family Low (MF/L) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the March 7, 2018 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.

**13. DR17-1136, CHRISTIAN BROTHERS AUTOMOTIVE: SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 0.75 ACRES, GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF AUTO WAY AND PECOS ROAD, IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

Approve the Findings of Fact and approve DR17-1136, Christian Brothers Automotive: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 0.75 acres, generally located south of the southwest corner of Auto Way and Pecos Road, in the General Commercial (GC) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission/ Design Review Board at the March 7, 2018 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits for any signage not permitted in the approved Santan Motorplex Master Sign Program.

**The following agenda item (Item 11) was heard by separate motion.**

**11. DR17-1153, HIGHLINE CAR CARE: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, BUILDING ELEVATIONS, COLORS AND MATERIALS, AND LIGHTING FOR APPROXIMATELY 1.02 ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF BASELINE AND COOPER ROADS, AND ZONED LIGHT INDUSTRIAL (LI) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

Approve the Fact of Findings and approve DR17-1153, Highline Car Care: Site plan, landscaping, grading and drainage, building elevations, colors and materials, and lighting for approximately 1.02 acres, generally located at the southwest corner of Baseline and Cooper Roads, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission/ Design Review Board at the March 7, 2018 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. The developer/owner agrees to remove all thorny type trees (Texas Ebony) away from the sidewalks along Marvin Street and Merrill Avenue and replace 36" Box Shoestring Acacias.
4. The developer/owner shall submit a final "Traffic Trip Generation Statement" to be approved by the Town of Gilbert Traffic Engineer prior to the submittal of construction documents.
5. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

**PUBLIC HEARING (NON-CONSENT)**

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission/Board by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item, you must fill out a public comment form, indicating the item number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission/Board.

**12. DR17-1163, COMMERCIAL DEVELOPMENT FOR HHB: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, BUILDING ELEVATIONS,**

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**COLORS AND MATERIALS, AND LIGHTING FOR APPROXIMATELY 4.43 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF VAL VISTA AND RIGGS ROADS, AND ZONED SHOPPING CENTER (SC).**

**STAFF RECOMMENDATION**

Approve the Findings of Fact and approve DR17-1163, Commercial Development for HHB: Site plan, landscaping, grading and drainage, building elevations, colors and materials, and lighting for approximately 4.43 acres, generally located at the northeast corner of Val Vista and Riggs Roads, and zoned Shopping Center (SC), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission/ Design Review Board at the March 7, 2018 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
4. Any future water feature (i.e. fountains) must conform to the water conservation requirements in Municipal Code Chapter 66, Article VIII, Section 66-355, Limitations on new water features.

Chair Sippel invited Planner Gilbert Olgin to begin his presentation on Item 12, DR17-1163, Commercial Development for HHB.

**At this time, Brian Johns declared a Conflict of Interest on Item 12.**

Gilbert Olgin began his presentation on Item 12, DR17-1163. He shared that this was a Design Review request for a 4.43 acre parcel of land, located at the northeast corner of Val Vista and Riggs Roads and zoned Shopping Center (SC). He shared a vicinity map, indicating that there is a Circle K (formerly Valero) near the subject site. He said the project consists of five buildings and will be developed in two different phases. He said the focus tonight will be on Phase 1. He shared the three points of access into the site. He discussed landscaping, noting that the landscaping had been updated since this case was previously before the Commission. He indicated that the landscaping was adequate for the site and meets the Code requirements. He shared the elevations. He said they had made some changes as requested when the case was in Study Session. He shared an Overview of Phase 1 (Buildings A and B) and an Overview of Phase 2. He stated that some changes had been made to help articulate the site better and bring more interest to the site. He shared the Light Plan and the Grading and Drainage Plan. He told the Commission that the comments that had been made at Study Session had been addressed and that the project is meeting Code. He said that Staff has replied to an email they had received from a concerned resident and they had addressed the resident's concerns and comments. He said they had also received a phone call from a resident, but that particular resident was more



interested in the end use, which is not known at this time, with the exception of the coffee shop. He said that Staff recommends approval of this Design Review case.

Chair Sippel asked if the applicant would like to make a presentation. Planner Olgin said that the applicant was in attendance, but did not wish to address the Commission at this time.

Chair Sippel stated that he had received several comment cards from members of the public that wished to speak. He then invited them to come forward to speak.

Stephanie Lane, of Gilbert, introduced herself. She stated that she lives in the Evans Ranch community on Lafayette. She said she had just recently been informed about this project. She shared her concerns about the existing Circle K and Reagan Academy. She said she is concerned about adding something else to the area. She said she has read through the documentation and feels there is an issue regarding trees, lights, and noise, especially when going through a drive-thru. She said she has already noticed an increase in traffic due to the Reagan Academy. She said that this has resulted in more people being in the surrounding area a lot later than normal. She said that with the addition of the school, she can no longer see the mountain from her house. She said she paid a premium for her lot and it feels like the lot value has decreased because of the additional traffic, extra lights, and a lack of trees. She said she is concerned. She said this is her first public hearing and she is hoping that the Commission could address the lighting and landscape. She said the current landscape in place today is definitely not enough. She said she is concerned with what might be coming in the future if additional phases are to be added. She said she had hoped that some kind of recreational park might have been put in the area, but that doesn't seem to be the case. She thanked the Commission for allowing her to speak and share her concerns. She reminded them that she has to live there.

Jay Iacona, of Gilbert, introduced himself. He said that he also lived in Evans Ranch. He said he has concerns with the landscaping and whether there will be sufficient landscape to provide a decent noise buffer for the residents of Evans Ranch in terms of speakers from drive-thru's, speakers from PA systems and Muzak systems that might be installed by the occupants. He said he also has concerns with the lighting that is planned for the parking area. He wanted to know if it would be similar to what is used in their residential area or if it would be an increased amount of lighting to deter crime. He also said that he is aware that a coffee shop is planned and he anticipates some kind of fast food establishment will come in at some point. He asked what would be done to address all of the kids from Basha High School wanting to come across and spend their money at this retail mecca. He said he was concerned with the likelihood of increased pedestrian traffic crossing over to the retail area, especially during the rush hour times. He also was curious what the noise impact would be on the people that live in Evans Ranch when these places are open into the evening.

David King, of Chandler, introduced himself. He said he lives in Chandler in the Sun Groves community just southwest of Basha High School. He said he is concerned about the coffee shop component, in particular. He said he takes his son to Basha High School in the morning and he sees a drove of kids with their 44 ounce drinks coming from the Circle K. He said he is concerned about the general health and well-being of the students, who are the future of our

community, and he doesn't think that getting coffee from a coffee shop, in addition to excessive soda consumption, is what the students need. He said he would rather see something that could supplement their education or help with their physical activity, such as a YMCA or something. He said he realizes he is late to the discussion, as he was just notified by his HOA, but he wanted to be a voice of caution for a coffee shop going next to a high school. He said he doesn't think it is conducive for students to have coffee in the mornings. He said he doesn't think they should be setting this as a norm for their high school students. He also said he is concerned about the traffic levels. He said his son has a zero-hour class, which begins at 6:00, and he sees lots of students coming from the Circle K with their sodas. He sees this as a big safety issue.

Chair Sippel asked if the applicant would like to respond to any of the concerns raised by the citizens.

Planner Olgin said he would speak on the applicant's behalf to address the resident's concerns. Regarding the concerns raised about the coffee shop, he stated that the Town doesn't have control of the use that is going in there. He said that the coffee shop is at least 200' away from the residents to the north. Regarding the concerns about lighting, Planner Olgin said that this is a small commercial center, so it will meet Code requirements, and the lighting will shine down and should not spill over into the neighborhoods. Regarding landscaping, Planner Olgin said that they have worked with the applicant to make sure there were plenty of trees. However, there are some easements along the property line which prohibit additional trees, so they have tried to fill in the gaps along Merlot Street and Staff believes that there is enough landscaping to buffer noise that would be created on this site. He said they also have 3' to 4' screen walls which will help with the noise buffering. He said that coffee shops generally have the highest use in the morning, although they are visited during the day. He believes that the majority of the noise impact will be during the morning hours. He said they don't have any idea what may happen with the other buildings. He said that Staff would support office-type uses or medical offices. He said they are currently only developing the first two buildings and the other three buildings won't be coming into play for some time. He said that Staff feels that the applicant has met what is required by the Code and what was asked by the Planning Commission during Study Session. He offered to answer any other questions.

Question: Joshua Oehler asked to clarify that they weren't looking to approve it directly as a coffee shop, but they are just looking to set up the drive-thru itself and whatever type of product might go into the site.

Answer: Gilbert Olgin said that the coffee shop is the only use in the project that has already been slated for that use.

Question: Joshua Oehler said he understands that, but was asking to clarify that the Commission's approval is not based upon the use as a coffee shop, but is based upon the drive-thru itself.

Answer: Gilbert Olgin answered affirmatively.

Question: Joshua Oehler asked if they have a location for the speaker box on the site plan.

Answer: Gilbert Olgin said he believed they do have a location for it on the site plan. He brought up the site plan in an effort to show where the speaker box would be located. He said it is hard to tell due to the size of the visual, but he said it does meet Code.

Comment: Joshua Oehler said he just wanted to consider the neighboring resident's questions and how they would deal with the noise containment of the speaker box itself. He said he could see the location of the speaker box on the site plan and that it looks like there is a hedge just north of it that is designed to baffle some of the noise.

Response: Gilbert Olgin said this was the case and there was also screen walls to help with the noise created from the site.

Comment: Joshua Oehler said he just wanted to make sure they had controls in place to address the concerns of the residents. He said he doesn't have any problem with the design, but he wants to make sure that they are sensitive to the neighborhood and making sure they have full cut-offs on all of the lights, so there isn't any light pollution across property lines. He also wants to make sure they have considered sound control. He again clarified that they were not specifically approving a coffee shop, but were approving a drive-thru for what they believe to be a coffee shop.

Response: Gilbert Olgin said that Commissioner Oehler's last statement was correct.

Question: David Cavenee asked how high the site lights were in the parking lot.

Answer: Linda Edwards said that they are 0.3 foot candles.

Question: David Cavenee asked if the Reagan Academy was between this commercial development and the neighborhood to the east.

Answer: Gilbert Olgin answered affirmatively.

Question: David Cavenee asked if any of the site lights were shielded to the neighbors.

Answer: Gilbert Olgin answered affirmatively.

Chair Sippel closed the Public Hearing and brought the discussion back to the dais.

Comment: David Cavenee said that in looking at the history of the site, it has been zoned Commercial since 2005, so it has been a commercial property for quite some time. He said that means that they have known for some time that it was going to have some type of commercial component. As long as it is meeting all the Code regarding lighting, noise and all the commercial development codes they have, he thinks they need to recognize this was never going to be a park, but was always going to be a small commercial property. He said he appreciates the citizens coming out to address the Commission. He said it helps them to evaluate the project. He said as he has been studying the parcel on different maps, he has noted that Basha High School is right next door, with blaring speakers during football games. He said he doesn't believe that a speaker box at a drive-thru is going to be a significant problem compared to the noise already generated by Basha High School. He said he thinks the Landscape Plan is providing a fairly dense landscaping plan, with some green buffer provided by the neighborhood

to the east and partial northeast areas. He said he hasn't been able to see how the lights from the Reagan Academy play into the neighborhood, due to it being too new to be on any maps, but he believes the Academy will buffer any lights that this small commercial development generates. He thinks from an overall development offering, this small development, with fairly attractive, modern looking buildings, will be a benefit to the neighborhood, versus other things that could have come into the area. He said having the drive-thru located on the far corner will not generate any more traffic and lighting issues than is already generated by the Valero. He said he is in support of the project and has studied all the designs and he believes they have done a fair job at addressing the concerns raised by the Commission during Study Session.

Comment: Joshua Oehler said that the applicant has tried to push the noisiest, most traffic-oriented portion out to the major street. He said he would have a problem if they were trying to flip the drive-thru into a portion of the site closer to the neighborhood, but he thinks the way they have designed it, they have done what is best for the Town and the site. He said he wants to make sure they pay attention to where the speaker box is located and that they make sure light controls are in place on the portion that looks into the neighborhood. He said the plan shows an evergreen hedge, but he wants to do as much as they can as a Town to screen that portion of the site. He said the rest of the site moves well and pushes the traffic out onto Val Vista, which is the best for this type of site. He said he would be in support of the project.

Chair Sippel called for a motion. Vice Chair Andersen made a **MOTION** to approve Item 12, DR17-1163, Commercial Development for HHB; seconded by David Cavenee; motion passed.

**Motion passed 6-0 with Brian Johns abstaining due to Conflict of Interest.**

At this time, Alternate Commissioner Daniel Cifuentes took the place on the dais vacated by David Cavenee.

**14. GP17-1017, WILLIAMS FIELD LUXURY SENIOR LIVING: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 5.21 ACRES OF REAL PROPERTY GENERALLY LOCATED A QUARTER MILE WEST OF THE SOUTHWEST CORNER OF HIGLEY AND WILLIAMS FIELD ROADS FROM COMMUNITY COMMERCIAL TO RESIDENTIAL >25-50 DU/ACRE LAND USE CLASSIFICATION.**

**15. Z17-1027, WILLIAMS FIELD LUXURY SENIOR LIVING: REQUEST TO AMEND THE TOWN OF GILBERT ZONING MAP AND DEVELOP THE WILLIAMS FIELD LUXURY SENIOR LIVING PLANNED AREA DEVELOPMENT PLAN ON APPROXIMATELY 5.21 ACRES OF REAL PROPERTY, GENERALLY LOCATED A QUARTER MILE WEST OF THE SOUTHWEST CORNER OF HIGLEY AND WILLIAMS FIELD ROADS FROM APPROXIMATELY 5.21 ACRES OF COMMUNITY COMMERCIAL (CC) ZONING DISTRICT TO APPROXIMATELY 5.21 ACRES OF MULTI FAMILY /**

**MEDIUM (MF/M) ZONING DISTRICT WITH A PLANNED AREA  
DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

- A. Recommend to the Town Council approval of GP17-1017, to change the land use classification of approximately 5.21 acres of real property, generally located west of the southwest corner of Higley and Williams Field Roads from Community Commercial to Residential >25-50 DU/Acre land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1027, rezoning approximately 5.21 acres of real property generally located west of the southwest corner of Higley and Williams Field Road from approximately 5.21 acres of Community Commercial (CC) zoning district to approximately 5.21 acres of Multi Family/Medium (MF/M) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.
1. Reimbursement of off-site improvements to Williams Field Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
  2. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
  3. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.

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4. Developer shall create a Homeowner's Association (HOA) or Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way
5. Developer shall record easements to be owned by the HOA or POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. Such easements shall be open to public access and use.
6. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
7. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:
  - a. Section 2.202 Multi-Family Residential Districts (MF/M) This district permits multi-family housing at densities of 14-30 dwelling units per gross acre.

<b>Site Development Regulations</b>	<b>MF/M PAD</b>
Minimum Lot Area	1,352 sf
Minimum Perimeter Landscape Area	
Side to non-residential	5' on the east
Minimum Private Open Space	0 SF on third floor only
Children's Play Area	0 SF N/A
Parking	
Enclosed Parking	7%

NOTE: Existing perimeter walls to remain

Amy Temes began her presentation on Item 14, GP17-1017 and Item 15, Z17-1027, Williams Field Luxury Senior Living. She said this project was a Senior Living apartment community located a quarter mile west of the southwest corner of Williams Field and Higley Roads. She said that part of the property is within the Gateway Character Area and part of it is not. She said the request is a General Plan Amendment to change the Land Use Classification from 5.21 acres of Community Commercial (CC) to Residential > 25-50 DU/Acre. She said there is a General Plan category for the change, but that there isn't a zoning category that goes that high, so the zoning request is to go from Community Commercial (CC) to Multi Family / Medium (MF/M).

She said there is a provision within the LDC that allows for a Planned Area Development for senior living (whether congregate care, elderly care, age-restricted apartments or an age-restricted community) to increase density. The request is to increase the density to 14-30 DU/Acre, which requires a General Plan Amendment and PAD.

Planner Temes stated that there are 152 units and the density is 29.2 DU/Acre overall. She shared that there have been two neighborhood meetings. She shared that at the first neighborhood meeting, the building height, the transient community, the lifestyle of an apartment complex, and the landscape and density were some of the key items discussed. She said that the concerns raised at the second neighborhood meeting were trees, landscape, parking and balconies. She said that the applicant really tried to listen to the neighbor's concerns and made some modifications. She said some of the changes that were made were pushing the parking canopies toward the buildings and away from the walls. She said they also added extra trees, which the Commission will see when the case comes in for Design Review. She said they also had moved all of the trash enclosures over to the east side.

Planner Temes then discussed some of the deviation requests. She said they have asked for a reduction of landscape on the east side, adjacent to outdoor recreational vehicle storage and personal storage, as well as an automotive repair facility. She said they are asking to reduce the landscape from 20' to 5' and they are placing all of the trash enclosures on this side to keep them away from the residents to the west and to the south. She said the applicant has also requested a minimum lot area reduction. She said that applicants have brought up several times in the past, that the design of the development works well without having to have minimum lot area or maximum lot area requirements on the projects. She said they have discussed eliminating those requirements from Multi Family, but they have yet to make that Code amendment, but she said that Staff has no problem with the request being made. Planner Temes said the other request being made was regarding balconies. She said there are some balconies on the south end of the project on the second floor, but they have removed balconies from the third floor, in response to the request of the residents to the south. The residents were concerned about the balconies overlooking their rear yards. She said she believes the applicant's representative has some view corridor studies to show what that would look like. She said she would also like to make a clarification that 45% Private Open Space would be the minimum requirement on the first and second floors, but 106 units of the 152 would meet the 60 square foot requirement for Private Outdoor Open Space, 41 of the units would have a 45 square feet of Private Open Space and only five units would have zero square feet of Private Open Space. Planner Temes said there has also been discussion about the Children's Play Area which is also zero. She said there are quite a bit of amenities in the Open Space Area in the center courtyards with a passive and an active recreation area. She said they have also asked for a reduction for enclosed garages from 25% to 7%. See deviation requests highlighted in **bold** below:

#### **Project Data Table**

<b>Site Development Regulations</b>	<b>Required per LDC CC</b>	<b>Required per LDC MF/M</b>	<b>Proposed MF/M PAD</b>
Minimum Lot Area	N.A.	1,750 sf	<b><i>1,352 sf</i></b>

Maximum Building Height	35'/2 story	40'/3 story	34'/3 story
Step-back Requirement	N.A.	10' at 3rd floor	10' at 3rd floor
Minimum Perimeter Building Setback			
Front to ROW	20'	30'	30'
Side to residential	30'	30'	30' (69' provided)
Side to non-residential	15'	20'	20' (76' provided)
Rear to residential	20'	30'	30' (92' provided)
Minimum Perimeter Landscape Area			
Front to ROW	20'	20'	20'
Side to residential	25'	20'	20'
Side to non-residential	15'	20'	<b>5' requested on the east</b>
Rear to residential	30'	20'	20'
Minimum Separation Between Buildings	10' single story 20' two story	20' single and two story 30' three story	20' single and two story 30' three story
Common Open Space	15%	40%	40%
Minimum Private Open Space	NA	60 sf	<b>0 sf on third floor</b> facing south only
Swimming Pool	NA	600 sf	2,300 sf
Community Center	NA	1,000 sf	7,600 sf
Children's Play Area	NA	400 sf	<b>0 sf NA</b>
Trees per unit	NA	1/unit	1/unit (1.2 provided)
Parking	NA		
Unit count		152	
Studio		22 x 1 = 22	18
1 bedroom		114 x 1 = 114	140
2 bedroom		16 x 2 = 32	12
guest		0.25/unit = 38	38
		206 parking spaces required	208 parking spaces provided
Covered		1 space per unit shall be covered = 152- enclosed = 114 (55%)	140 (67%)
Enclosed		of which 25% shall be enclosed = 38	<b>12 (7%)</b>

**NOTE: The existing perimeter wall will remain as is or if needed, will be repaired or replaced by the Developer in coordination with adjacent property owners.**



Planner Temes indicated that Staff is in support of this project and believes the applicant has done a good job of answering the neighbor's concerns. She finished her presentation and offered to answer any questions.

Chair Sippel invited the applicant forward to make a presentation.

Ralph Pew came to the podium to make a brief presentation. He said he urged the Commission to recommend approval of this project to the Town Council. He said this develops a property in an area where this type of density and this type of use was anticipated. He said that Planner Temes has covered all of the technical aspects and he would be happy to answer any questions about the standard deviations. He said that when the Code was adopted, a very special section was created to allow higher density for congregate care and senior living, but no one took the time to come up with Development Standards for an apartment project that is senior in nature. He said that consequently, they have made a few deviation requests, but the need for the deviations is to adapt to the seniors that will be living in the community. He said this project is really compatible with the General Plan. He said this should be the west end of the Gateway Character Area. He told the Commission that Devon Wastchak and Jose Pombo were in attendance on behalf of Vivo Partners. He said they have done an outstanding job of reaching out to the community. He discussed the two neighborhood meetings that were held. He said at the second meeting, the neighboring residents were shown the design and were pleased with it. He said he believes they have done a good job of designing to address the neighborhood response. He finished his presentation and urged the Planning Commission to support the case.

Chair Sippel invited the member of the public that had turned in a comment card to come to the podium to speak.

Cynthia Smith, of Gilbert, introduced herself. She said she lives in Chaparral Estates West and her home is where the middle of the south side of this project is located. She said she has opposed this project all along, but she acknowledged that they have done a great job at presenting and working with the neighbors. She said she has no problem with their efforts, but she doesn't think that this property should be rezoned from Commercial to Multi Family. She said when she bought her home, she was well aware that there could be a development behind her home, but she had the understanding that it was to be commercial in nature. She said she had no problem with a commercial development, but feels that this structure and the density of the project does not fit the neighborhood. She said they are just one mile east of the San Tan Mall area. She said Higley High School is just opposite on the north side of Williams Field and Higley and it generates a lot of traffic. She said that the noise from the high school during football games will not be something the senior living residents will appreciate. She also said a train runs past there. She also said it is a very dense, quiet residential neighborhood and she is concerned with the density, as well as the parking structure along the residential homes near her home. She is worried about car alarms going off at night. She said she understands that it is a senior living facility, but she said she is a senior and she still makes a lot of noise, so she doesn't understand why so much attention has been placed on the fact that the residents will be seniors. She said that 152 units squeezed into 3-stories does not fit the neighborhood or the area. She

also said she has concerns with the traffic on Williams Field presently and this would increase the traffic in the area. She said her neighborhood already experiences people trying to cut through the neighborhood and when they do, it is like a raceway. She believes this will increase the problem. She finished her presentation by saying that she is opposed to the rezoning and would like the property to remain commercial.

Chair Sippel invited the applicant back up to respond to the concerns raised by Cynthia Smith.

Ralph Pew returned to the podium. He noted that he has been aware of Ms. Smith and her concerns and they have specifically made some changes on the south side of the project to address her concerns. He said they have moved the third story element 92' from the property line and also have an additional 10' stepback with no balconies. He said they have also removed the parking canopies that existed on the south side and they have provided three different tiers of landscaping -- immediately adjacent to the property line, within the parking field and the building landscape. In regards to the comment about the property remaining commercial, he stated that this site is 1,000 feet west of the intersection of Higley and Williams Field Road. He said there had been some hope that this area would evolve into some commercial enterprise, but it just hasn't. He said this site has been zoned Commercial for 12-13 years. He said this is a good opportunity to start the process to jump start the far west end of the Gateway Character Area. He said that the Code specifically provides for the increase in density. He said this project is only four units above what the typical apartment density would be. He said he believes the architects and owners have designed a great project. He said that Staff is in support of the project and he encouraged the Commission to support the project.

Question: Vice Chair Andersen asked about the reduction of the Private Open Space. He asked if, with the reduction down to 45 square feet, if they were still maintaining the 6' minimum depth for those balconies.

Answer: Amy Temes answered that the applicant has not provided their Design Review application yet. She said that because that is what Code would require, that is what they will be expecting the applicant to meet.

Question: Joshua Oehler said he appreciates everything that the applicant stated regarding the design and the criteria that they would be setting for the south side. He asked if Staff has seen a preliminary design or if they have just received communication from the applicant about their plans. He said he is asking because they are basing a rezoning case on design elements. He said he is specifically interested in the three tiers of landscape, since that would be a nice buffer.

Answer: Amy Temes said that what was discussed at the last neighborhood meeting was regarding the south end and she said they are leaning toward putting in Evergreen Elms. She said that there was a lot of discussion with the neighbors about actual tree species and they are leaning toward the use of Evergreen Elms in a very densely packed environment. She said that they also require parking lot trees in the parking lot. She said they are still showing a few parking canopies adjacent to the building. She said they also have foundation landscape around the building. She said they don't have the actual landscape documents in yet, but she said they

would be working off of something similar to what she was showing in the site plan. She also provided a perspective view, which indicated how the setback would occur at the third level.

Response: Ralph Pew said that they also have the same thing on the west side, so that they would have the same thing on both sides where the residents are.

Chair Sippel closed the Public Hearing and brought the discussion back to the dais for comments or questions.

Comment: Joshua Oehler said that in seeing some of the provided graphics and considering they are just considering the zoning portion at this time, he would expect the applicant to come back with these types of designs. He said he really appreciates that they have pulled back the third story and taken out the balconies on those sides for view angles into the adjacent neighbors. He is also pleased that they have set the building back about 90'. He said he thinks it is an appropriate use for the site to go to this density. He said that as a commercial site, they still would have had cars and trucks and other things that create the same amount of noise. He said he was initially worried about the way the building was going to sit on the site and if it would impact the neighbors, but it looks like the applicant has reached out and made different steps between landscape and building design, so he would now be able to support the project.

Seeing no further comments or questions, Chair Sippel called for a motion. Vice Chair Andersen made a **MOTION** to recommend approval to Town Council of Item 14, GP17-1017, Williams Field Luxury Senior Living, with the addendum; seconded by Greg Froehlich; motion passed unanimously.

**Motion passed 7-0**

Chair Sippel then called for a motion on Item 15. Vice Chair Andersen made a **MOTION** to recommend to Town Council approval of Item 15, Z17-1027, Williams Field Luxury Senior Living, with addendum; seconded by Greg Froehlich; motion passed unanimously.

**Motion passed 7-0**

Chair Sippel thanked Cynthia Smith for coming out. He told her that she would have another opportunity to take her concerns to Town Council. Chair Sippel asked for clarification from Staff as to the date of the Town Council meeting. Staff stated that the date of the Town Council meeting would be Thursday, April 5.

**At this time, Greg Froehlich declared a Conflict of Interest on Item 16, Z17-1021 and he left the dais.**

**16. Z17-1021 GILBERT TOWN CENTER: REQUEST TO AMEND ORDINANCE NO. 2509 TO AMEND THE CONDITIONS OF DEVELOPMENT AND THE DEVELOPMENT PLAN WITHIN THE GILBERT TOWN CENTER PLANNED AREA DEVELOPMENT (PAD) FOR APPROXIMATELY 14.69 ACRES OF**

**REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GILBERT AND WARNER ROADS, CONSISTING OF APPROXIMATELY 14.69 ACRES OF REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

**STAFF RECOMMENDATION**

1. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1021, an amendment to Ordinance No. 2509 to amend the conditions of development and the development plan within the Gilbert Town Center Planned Area Development (PAD) for approximately 14.69 acres of real property generally located at the southeast corner of Gilbert and Warner Roads, consisting of approximately 14.69 acres of Regional Commercial (RC) zoning district with a Planned Area Development overlay, subject to the following conditions, as amended. (additions shown in ALL CAPS, deletions shown in ~~strikeout~~):
  - a. ~~Dedication to Gilbert for Palm Street right of way that is adjacent to the Property, extending from Civic Center Drive to Gilbert Road shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Palm Street shall be of a varying width and shall not be more than thirty three (33') feet in width except at the intersection of Gilbert Road to accommodate the required turn lanes. Dedication shall be as required by the Town Engineer in order to facilitate the full width off-site improvements for a minor collector road, when combined with the Town of Gilbert property abutting Palm Street. The Town of Gilbert shall declare any required right of way south and west of the property line to allow the construction of any required improvement to Palm Street that extends onto Town of Gilbert property, and shall be made upon recordation of the final plat~~
  - b. Construction of off-site improvements to ~~Palm Street~~ AMERICAN HEROES WAY AJOINING THE PROPERTY, ~~extending from Civic Center Drive to Gilbert Road,~~ shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property. ~~Construction of Palm Street shall include complete half-street improvements adjacent to the Property and shall utilize existing roadway improvements constructed on the property to the extent possible. Construction of Palm Street shall include pavement widths to accommodate two travel lanes, with a turn lane added at the approach to Gilbert Road. Construction shall be as required by the Town Engineer in coordination with the existing and proposed future Town of Gilbert improvements abutting Palm Street. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall~~

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~~reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property.~~

- ~~c. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification. The Town of Gilbert shall provide necessary easements for drainage, retention, and temporary construction easements for any half-street improvements constructed on Town property. Such easements shall be granted upon issuance of the construction permit for Palm Street.~~
- d. The ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way shall be the responsibility of the adjacent property owner or a Property Owner's Association (POA), unless defined by a separate recorded agreement.
- e. Developer shall record easements for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or Map of Dedication or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- f. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

	Proposed Development for Gilbert Town Center PAD for <b>Southeast Parcel</b> <b>(Parcel 2) only:</b> (Z13-08)
Building Step-back: Required	<b>No Building Step-back.</b>
Minimum Building Setbacks: Front (Civic Center) Side (Palm Street) Rear	<b>10'</b> <b>10'</b> <b>20'</b>
Minimum Landscape Setbacks: Front (Civic Center) Side (Palm Street) Rear	<b>20'*</b> <b>20'*</b> <b>20'</b>
Separation Screen Walls within Landscape Setback: Not	<b>Allow 6' partial view fence and community screen</b>

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	Proposed Development for Gilbert Town Center PAD for <b>Southeast Parcel (Parcel 2) only: (Z13-08)</b>
Permitted	<b>walls to be located within the required landscape setback.</b>

\*10' landscape setback is permitted where buildings are located within the required landscape setback.

	<b>GILBERT TOWN CENTER PAD FOR SOUTHEAST OF GILBERT AND WARNER PARCEL (PARCEL 1) ONLY: (Z17-1021)</b>
<b>MINIMUM BUILDING SETBACKS: SIDE (Gilbert Road)</b>	<b>10'</b>
<b>MINIMUM LANDSCAPE SETBACKS: SIDE (GILBERT ROAD)</b>	<b>10'</b>
<b>ARTERIAL INTERSECTION (GILBERT RD)</b>	<b>10' X 250'</b>
<b>ARTERIAL INTERSECTION (WARNER RD)</b>	<b>25' X 250'</b>

- g. Prior to submittal of construction drawings, the applicant shall execute and record a Declaration of Covenants and Use Restrictions to prohibit any multi-family or single family residential use on the Restricted Property as defined in Exhibit 4 and presented at the Town Council public hearing on November 13, 2014.

H. THE APPLICANT SHALL PROVIDE AN ENTRY NODE NEAR MAJOR A AT THE SOUTHEAST CORNER OF THE OVERALL SITE ALONG AMERICAN HEROES WAY.

I. PORTIONS OF THE PROJECT ARE LOCATED WITHIN AN "AH" FLOOD ZONE AND THEREFORE ARE SUBJECT TO CHAPTER 34 OF THE GILBERT TOWN CODE. A CLOMR WAS JUST RECENTLY APPROVED BY FEMA FOR THE SITE (CASE 17-09-2769R). HOWEVER, THE EXISTING "AH" BOUNDARIES AS SHOWN ON FIRM PANEL 2733M DATED NOVEMBER 4, 2015 REMAIN IN FULL FORCE AND EFFECT UNTIL A FUTURE LOMR IS APPROVED BY FEMA.

Ashlee MacDonald began her presentation on Item 16, Z17-1021, Gilbert Town Center. She reminded the Commission that they had seen this case last month in Study Session, as well as the Design Review case. She said they are just asking for a recommendation tonight regarding the Zoning, and the Design Review would follow at a later date. She said this is for approval of the Gilbert Town Center at the southeast corner of Gilbert and Warner Roads. She said this is a vacant project that Staff sees every day. She said the site remains vacant with a portion of the

Banner site developed to the east. She shared an aerial map, noting that it didn't show the apartment complexes that have also recently been built. Planner MacDonald said they are looking for an amendment to the Redevelopment Plan. She said the zoning that exists on the site today is Regional Commercial (RC) and they are looking to maintain that Regional Commercial (RC) zoning district. She said that when they originally came in, part of their PAD included the Development Plan that she was displaying on the screen. She said the Development Plan had the buildings oriented differently on the site. She said they had previously discussed more office type uses. She said the applicant is requesting to amend that today. She said the total site that came in was 25 acres and they are just discussing the hard corner at Gilbert and Warner, which is a total of 14.69 acres. She said it is important to note that this commercial site is intended to integrate with the Multi Family. She said that Staff evaluated the revised Development Plan to see if this provided more integration than the previous plan and Staff felt that it did. Planner MacDonald said that Staff feels that it creates a great pedestrian environment, with pedestrian connections throughout the site. She said they have provided some connections to the Banner site, should Banner want to incorporate those when they come in with their future phases. She said they have worked with the applicant to make sure that this is a pedestrian-friendly environment so that the residents from the Multi Family project feel comfortable walking to this site, walking through the site and moving through the site. She said they know that this particular Multi Family Regional Commercial Multi-Use project is a difficult one, with the Banner piece in the middle missing. She said that the applicant has done a commendable job. She said that Staff has added a condition to the rezoning case to create an entry node on the southeast corner of the site to serve as an area that invites pedestrians in, in the same manner that they have provided on the northeast corner of the site at the Gilbert and Warner intersection. She then discussed the deviation requests the applicant was proposing (as shown below in **bold**):

**Project Data Table**

<b>Site Development Regulations</b>	<b>Required per LDC</b>	<b>Proposed</b>
Maximum Building Height	55'	35'
Minimum Setback		
Front to ROW	25'	25'
Side to ROW	20'	<b>10' (along Gilbert Rd)</b>
Side to non-residential	20'	20'
Rear to non-residential	20'	20'
Minimum Perimeter Landscape Area		
Arterial Intersection	50' x 250'	<b>10' depth along Gilbert Road 25' depth along Warner Road</b>
Front to ROW	25'	25'
Side to ROW	20'	<b>10' (along Gilbert Rd)</b>
Side to non-residential	20'	20'
Rear to non-residential	20'	20'

Planner MacDonald said that because this was a PAD amendment, there are strike-throughs on the condition list (see detailed list under Staff Recommendations above) which have already been accomplished or provided with the development with the Multi Family project. She said in terms of additions of conditions, they are amending Condition F to include those deviations for this particular parcel. They have also added the condition regarding the entry node on the southeast corner of the site, as well as a note about the flood plain issue that the applicant is working through at this time. She finished her presentation and offered to answer any questions. She said that the applicant was also in attendance.

Chair Sippel invited the applicant to make a presentation to the Commission. The applicant declined to make a presentation.

Chair Sippel then asked if there were any members of the public in the audience that wished to speak on Item 16, Z17-1021. Seeing none, he called for questions or comments from the Planning Commission.

Comment: Joshua Oehler said his question was for the applicant.

Paul Gilbert came to the podium.

Question: Joshua Oehler said that his issue would not be with the deviations if this was a standard development, but he said at a point in time, when they were dealing with the residential and the applicant was involved in that side of things also, the previous Development Plan was a placeholder because they didn't know what the project was going to be. He said now they are deviating from a plan that was a placeholder and he has a question regarding the integration of the site. He wanted to know what the applicant's viewpoint is, as to how this is integrating, since they are just looking at a schematic plan. He asked for particulars on how they were making the connection between the Regional Commercial apartments that they were given first in the development and how this site plan is making the best achievement to integrate to that plan.

Answer: Paul Gilbert said that they have to be cognizant that the integration is severely restricted. He said when the Town made the decision to put Banner in the middle of these two sites, it restricted the amount of integration between the two sites. He said there is only one possible way to connect them, and that is along American Heroes Way and he said they have done that. He noted that Planner MacDonald had pointed out that they have also made up for it by having significant pedestrian connectivity on the site itself.

Comment: Joshua Oehler said that the connectivity is up in the front of the property. He said they are pushing this property in what they are asking for. In a normal design, he acknowledged that he would be 100% for this project, but because it is in Regional Commercial, they are pushing this entire development to Gilbert and Warner and they are pulling it away from the retail component. He said they are putting in a parking field. He pointed out that if they had a building right next instead of a parking field, and then they had Phase 1, and they were connecting it piece by piece to the building, it would be one thing, but as it is, he said that you have to walk past a parking field. He said as a development itself, it's not an issue, but as



Regional Commercial, they are not achieving the integration that they hoped for. He said they are only looking at it as, once you get from point A to point B, and once you get to the site on point B, then we are going to treat it as a normal retail center. He said that is why they asked several years ago when they did the apartments, what they were looking at and why they came up with a placeholder, but now they are deviating from that placeholder. He said his viewpoint is that they are not making enough of a connection between the two sites with the buildings.

Response: Paul Gilbert said that if you juxtapose this plan, versus the placeholder plan, this design has much more integration and the other plan had the parking all along American Heroes Way. He said they changed that and brought the building forward to make it much more interesting and to make it more pedestrian-friendly. He said before it was just a big parking lot.

Comment: Joshua Oehler said he agrees with that, but stated that as a Commission, they never looked at it. Because it was a placeholder, they never actually looked at it. Now they are being asked to look at it, as if the placeholder was approved, and he said he wishes they would have looked at that plan. At the time, they were looking at the apartment buildings. His issue is that now they are trying to create a plan that is better than the placeholder, and he does believe the applicant has done that, but he expressed his concern that it wasn't looked at as a plan at that point in time. He reminded the applicant that the Planning Commission didn't know what it was going to be at that time. He said his issue is trying to bring the buildings closer, so that they have a pedestrian connection, and you aren't walking through a parking field to get to the first building that takes you to the next building and so forth.

Response: Paul Gilbert said he would let the person that designed the building provide some insight. He reminded the Commission that they weren't asking for Design Review approval tonight and that this approval is just for the zoning.

Comment: Joshua Oehler said he understands that, but it is based on Regional Commercial, so they have to look at the criteria for Regional Commercial. He said that he would have to ask for some clarification from Staff, due to the fact that they had done the apartments at one point in time, and they were basing it upon what they could integrate into the Commercial, but they didn't know what the Commercial was, so they just came up with a placeholder. He said that since they have a Development Plan given to them now, it will become the new Development Plan. He asked Staff if they should be looking at that pedestrian connection because of it being Regional Commercial and how that works as a Development Plan.

Response: Linda Edwards said that the reason this came back to the Commission as a rezoning was because the real development that they have before them that the applicant wants to build there, did not look like the adopted Development Plan. The Development Plan that was adopted in rezoning, was for the apartments and was for the commercial corner. He said it is Staff's opinion that what they are bringing forward today for review and approval or recommendation, is a better plan for pedestrian connection and it also provides a better presence to the street with buildings versus parking. Because of that, the applicant is back in zoning, so the Development Plan reflects what you see now and Staff thinks they have brought it a step better, including the condition of approval for an additional pedestrian node on the southern part of the project. She said she hopes that she has answered Commissioner Oehler's question.

Comment: Joshua Oehler said his issue is that they are basing it upon a plan that was given to the Commission, with very little consideration, because they were told not to look at the plan and not to worry about the commercial side of things, because that was going to be brought to the Commission right away. They were told at that time, that they had a plan and they just had to get it signed, but that isn't how it turned out. He said now they are saying they are doing better than that plan, but he said his question is whether or not that makes this plan right. He said they are trying to do better than a design that no one really took into consideration years ago.

Response: Linda Edwards said that they are working with them on the detail on a Design Review project which would provide additional details. She said this Development Plan that is being proposed tonight, is similar to others that the Commission has received and approved. She said the next step is Design Review to fine tune all the details, as long as the Commission believes it is in substantial conformance with the Zoning and Development Plan.

Comment/Question: Joshua Oehler said this gets back to the new Development Plan. He said that is part of that package. He asked if when they approve the zoning change, they would be approving the new Development Plan.

Answer: Linda Edwards answered affirmatively. She said this would be followed up with a Design Review project that is in review now and would have the details to fulfill and implement the Development Plan.

Question: Joshua Oehler said his ultimate question is, on the new Development Plan, how are they making a pedestrian connection from the trail that is given to this site in its best design.

Answer: Dean Munkachy shared the fact that they had limited options as to how to make that physical connection between the two properties. He said they saw American Heroes Way as the conduit. He said they brought three of the buildings all the way against the street, which is quite a bit more than the previous plan had, and they elected to make a gateway out of the north/south street that connects down American Heroes Way. He said they had worked with Staff to also make another pedestrian connection on the other side of the two-story building which anchors the southeast corner of the site. He said they would actually be creating three pedestrian ways that connect directly to American Heroes Way and all feed into courtyards and streetscape environments that run throughout the project.

Comment/Question: Joshua Oehler again stated that if this project was a standalone project and it wasn't part of the Regional Commercial, he would completely agree with every reason that has been given and would be fully in favor of the project. However, because it was Regional Commercial and was to be connected, he has some concerns. He noted that they have a trail, not in the right-of-way, and that is the connection point. He asked if that trail was separate from the sidewalk.

Answer: Dean Munkachy answered that he wasn't sure that the trail exists today.

Question: Joshua Oehler asked to clarify that it was in the plan to be developed.

Answer: Dean Munkachy asked if he was referring to the one that crosses the Banner property.

Comment: Joshua Oehler sought to clarify that there is a connecting flag between the two pieces.

Response: Dean Munkachy answered affirmatively and said it was basically in the right-of-way of American Heroes Way, so the connection point is a sidewalk that's being dedicated.

Question: Joshua Oehler asked if that meant they don't have a trail.

Answer: Dean Munkachy answered that the connection point is the only connection they were given as part of the procurers of this property.

Comment: Joshua Oehler said that since these are two connected properties in zoning, they have pulled the buildings as far away as possible. He said at the first entry point, you have to go another 60 to 120 feet or even 200 to 300 feet. He said if they would have designed to come in at the connection point and lead into the property and make that more the focal point connection, he feels that would have been a better design. He said he feels they have pulled away from the other property, instead of blending them in together.

Response: Dean Munkachy said they could compare against the originally approved plan, which was surrounded by a sea of parking or they could recognize that this property is going to have a fitness club to it, which has a huge parking demand, and although they could have put all the parking in the middle and erased any sort of pedestrian feel, they felt in the bigger picture, that this was a better layout to disperse parking around the buildings and create smaller parking courtyards and allow for more landscape to be put into the project. He said that the destination is better because of this plan.

Comment: Joshua Oehler said he thinks they could still break up the property and not just make a big sea of parking in the middle. He said he thinks they could have brought one building over and made a diagonal corner to corner to corner. He said that would be a design issue.

Response: Dean Munkachy said they were told to stick with the geometry that was closer to the originally approved PAD plan. He said they liked the symmetry of that plan and he said they also liked the order it gave to the site by having far less of a streetscape kind of shape to it. He said they stuck to that geometry based on a lot of work they did with Staff.

Comment: Joshua Oehler said he appreciated that fact, but it stems back to a Development Plan that wasn't really brought to the attention of the Commission as what the Development Plan was going to be. He said this is a Regional Commercial and it should be blended. Because it is also Multi Family, it is also Mixed-Use and that is his issue. He said he has no issue with the design itself, as a retail center, but he doesn't believe it has achieved Mixed-Use.

Response: Paul Gilbert said that Commissioner Oehler is correct and he detected that they were getting some criticism when they came in with the apartment complex and suggested that they were ready to go with the commercial. He said that was true at the time, because the potential developer was in the audience the night the Multi Family was approved. He said that because this parcel is so extremely difficult (flood problems, drainage problems, infrastructure problems), they have gone through multiple developers since the night the original Development Plan was approved. He said this is the first developer that has gotten this far because it is a very challenging piece of property. He said he believes they have done a great job.

Chair Sippel closed the public hearing and brought the discussion back to the dais.

Comment: Carl Bloomfield said that as he looks at the project, he can understand where Commissioner Oehler is coming from because he was present at the meeting where everything was approved. At that time, he said there was real concern about the RC zoning and how it was supposed to be Mixed-Use. He said that he was relatively new to the Commission at that time, and he didn't fully understand the focus of Mixed-Use, but since that time he has been educated by Commissioner Oehler and Commissioner Cavenee. He said that this property was one of the first properties zoned RC in the Town and he thinks that brought with it a learning curve. He said he appreciated the fact that Commissioner Oehler said that if this was a standalone project, it would be a great project. He said that he also agrees that as a standalone project, it is a great project. However, he said at this late date, for this to come together and be an integrated project is something they can work towards, but at the same time, he can appreciate what the developer is saying about the difficulty of the site. He said he agrees that it is a difficult site and realizes that it has constraints. He thinks the developer has done a great job of laying it out and making it a project that will be a good one for the Town. He said more could definitely be done, but at this stage (the zoning stage), he thinks he could support the project.

Comment: Joshua Oehler said that as an overall design, he doesn't have a problem with the project. He said he hopes they come back with a great plan in development. However, he said he can't support the project because he doesn't believe it deals with the Mixed-Use and an integrated design with the Regional Commercial and Multi Family. He said that during the Design Review process, if it is brought back to them and shows pedestrian connections, that could change his mind and allow him to support the project. However, at this point, he said he is unable to support it as a zoning case.

Question: Brian Johns said he had a question about one of the plans. He said in the packet, it is showing kind of a meandering sidewalk coming through, but he said he thinks that is a street side sidewalk. He said that might be something they discuss during the Design Review portion of the case. He said he is trying to catch up on the history of what has transpired with this case, noting that he doesn't think this impacts the zoning of this, but he would like to have an opportunity to speak to some of the issues that have been brought up tonight when it comes time for Design Review.

Answer: Chair Sippel said they would have an opportunity during Design Review.

Answer: Linda Edwards asked the Commissioners to keep in mind that this decision is difficult because they are keeping in mind the history of this project that required a Use Permit for an integrated project in the RC zoning district. However, she said what they are reviewing and approving tonight is a schematic of a Development Plan showing the basic components that will be detailed in the Design Review process, which will come before them next.

Question: Brian Johns asked to clarify that this was a schematic and they are just rezoning for these deviations.

Answer: Linda Edwards answered affirmatively, stating that when they adopted a Development Plan of this nature, they are saying what comes forward for development in the Design Review process must be in substantial conformance with the basic bullet points of this project. This would include the building locations, the PAD sites, the points of access and the main points of pedestrian connections.

Comment: Brian Johns said he could support the zoning, but he said that it does seem that this is turning its back on American Heroes Way and he said he believed there should be more pedestrian connection. He said the access seems to be from the back side and he would like an opportunity to speak to this concern during Design Review.

Chair Sippel called for a motion. Vice Chair Andersen made a **MOTION** to recommend approval of Z17-1021, Gilbert Town Center, to the Town Council, for reasons set forth in the Staff Report and subject to conditions within; seconded by Carl Bloomfield; motion carried.

**Motion carried 5-1**

**Aye – Chairman Kristofer Sippel**

**Aye – Vice Chair Brian Andersen**

**Aye – Carl Bloomfield**

**Aye – Brian Johns**

**Aye – Daniel Cifuentes**

**Nay – Joshua Oehler**

Chair Sippel called for the next item on the agenda, Item 17, Z18-01.

**17. Z18-01 REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER 1 ZONING REGULATIONS, DIVISION 2: LAND USE DESIGNATIONS, ARTICLE 2.1 SINGLE FAMILY RESIDENTIAL DISTRICTS, SECTION 2.106 ADDITIONAL DEVELOPMENT REGULATIONS, RELATED TO ACCESSORY STRUCTURES, COVERED PATIOS AND PORCHES; ARTICLE 2.9 USE REGULATIONS, SECTION 2.902 USE REGULATIONS, TABLE 2.902 USE REGULATION RELATED TO SPECIAL EVENTS; DIVISION 4: GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, SECTION 4.5012 TEMPORARY USES, TABLE 4.5012 TEMPORARY USES RELATED TO FARMERS MARKETS; AND DIVISION 6: USE DEFINITIONS, ARTICLE 6.1 USE DEFINITIONS RELATED TO THE “EATING AND DRINKING ESTABLISHMENTS” AND THE “STAND-ALONE SMOKING LOUNGE” USE DEFINITIONS.**

Keith Newman, Planner II began his presentation on Z18-01, Request to Amend the Town of Gilbert Land Development Code, Batch H. He gave a brief overview of the request and reminded the Commission that they had discussed the proposed changes in detail at last month's meeting. He said that they have already brought Batches A-G before the Commission and they

are now working on Batch H as they continue their process of continuous improvement of the Land Development Code. He shared a list of the proposed text amendments that they are proposing with Batch H.

The LDC topics associated with Batch H are as follows:

1. Accessory Structure Location
2. Covered Patios and Porches
3. Farmers Markets as a Special Event
4. Eating and Drinking Establishments Definition
5. Stand Alone Smoking Lounge Definition

Planner Newman said that tonight, he would like to focus on Accessory Structure Locations, as they had already discussed Covered Patios and Porches, Farmers Markets as a Special Event, Eating and Drinking Establishments Definition, and Stand Alone Smoking Lounge Definition. He said previously they had just sought the Commission's direction regarding Accessory Structure Location, but they hadn't proposed specific language. He said these changes would clarify the Code and update a few regulations in an effort to continuously improve. He then provided details about the proposed change to Accessory Structure Location. The proposed change to Accessory Structure Location is as follows:

Planner Newman said that based on the Commission's feedback, Staff is proposing to allow lots that are 35,000 square feet or larger (in the zoning categories of SF-35 and SF-43) to modify the current regulation regarding where accessory structures are located. Currently, the ordinance says that accessory structures that are located outside the building envelope are only located within the rear half of a lot. In order for homeowners to maximize their lot area and utilize more of their land, they are proposing to change that for lots that are 35,000 square feet and larger to the rear two thirds of the lot and allow those structures to be moved forward. Planner Newman shared a few diagrams and explained some potential scenarios. The rear one half requirements for lots smaller than 35,000 square feet will remain in place (Specific wording of the proposed change detailed below):

**Proposed Zoning Code Amendment:**

**Chapter 1 Zoning Regulations, Division 2: Land Use Designations, Article 2.1 Single Family Residential Districts, Section 2.106 Additional Development Regulations**, is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

**2.106 Additional Development Regulations**

In addition to the requirements set forth in Article 4.1: Site Regulations, the following regulations shall apply:

- A. ***Residential Design Guidelines.*** Design Guidelines for single family residential dwellings are set forth in Chapter II: Design Standards and Guidelines.

B. **Accessory Structures.** Accessory structures requiring a building permit (larger than 200 square feet) shall comply with the following regulations:

1. *Establishment.* An accessory structure shall not be constructed prior to construction of the principal structure.

2. *Location:*

A. STRUCTURES MAY BE LOCATED WITHIN THE BUILDING ENVELOPE IN ALL SINGLE FAMILY ZONING DISTRICTS AND SHALL MEET THE SETBACK OF THE CORRESPONDING ZONING DISTRICT AS ESTABLISHED IN TABLE 2.104.

~~a.~~B. IN THE SF-15, SF-10, SF-8, SF-7, SF-6, SF-D AND SF-A DISTRICTS ~~The s~~StructureS shall MAY be located ~~within the building envelope or~~ IN THE SIDE AND REAR SETBACK AREAS PROVIDED THE STRUCTURE IS LOCATED WITHIN the rear one-half of the lot. IN THE SF-43 AND SF-35 DISTRICTS STRUCTURES MAY BE LOCATED IN THE SIDE AND REAR SETBACK AREAS PROVIDED THE STRUCTURE IS LOCATED WITHIN THE REAR TWO THIRDS OF THE LOT.

(1). EXCEPT FOR SWIMMING POOLS, STRUCTURES LOCATED IN THE SIDE AND REAR SETBACK AREAS SHALL COMPLY WITH THE FOLLOWING REGULATIONS:

A. *STRUCTURES 6 FEET IN HEIGHT OR LESS:* THE SETBACKS SHALL BE 5 FEET.

B. *STRUCTURES GREATER THAN 6 FEET IN HEIGHT:* AN ADDITIONAL 1 FOOT SETBACK FOR EACH ADDITIONAL 1 FOOT IN HEIGHT.

~~b.~~ For single family uses, the structure may be located outside the building envelope provided it complies with the following additional regulations:

~~(1) Except for swimming pools, for structures 6 feet in height or less, the side and rear setbacks shall be 5 feet. For structures greater than 6 feet in height, there shall be an additional 1 foot setback for each additional 1 foot in height.~~

~~C.(2)~~ Tennis or sport courts on individual lots shall be set back a minimum of 10 feet from side and rear property lines.

~~D.(3)~~ Location of swimming pools is regulated under Section 4.107: Swimming Pools.

3. *Maximum Height.* The maximum height shall be 20 feet in all districts except in SF-43 and SF-35. In the SF-43 and SF-35 districts, the maximum height shall be 30 feet.

Keith Newman called attention to the fact that they have moved things around a bit and changed some of the language to clarify the existing regulations. He also said that he had received some additional information regarding Farmers Markets as a Special Event. He said they are changing the current permitting process for a Farmers Market from an Administrative Use Permit to a Special Event permit, which is categorized under the Temporary Use section. He referred to the language in the packet, noting that there is a Temporary Use Table that shows all of the different temporary uses and whether or not each of the uses require a Special Event permit or not. If it does not require a Special Event permit, it would still require an Administrative Use Permit. He said they are attempting to fix the section about Carnival, Small-Scale and Haunted Houses and seasonal sales, as well as things like sidewalk sales. He said that in the Municipal Code, it states that those are events that can be approved with a Special Event Permit. In the Land Development Code, it does not reflect that in that particular table, so they are trying to modify that table to match up with the Municipal Code. Proposed changes are listed below:

**Proposed Zoning Code Amendment:**

**Chapter 1 Zoning Regulations, Division 2: Land Use Designations, Article 2.9 Use Regulations, Section 2.902 Use Regulations, Table 2.902 Use Regulation**; is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

\* \* \*

**Table 2.902 Use Regulations**

<i>Use Category</i>	<b>Additional Standards</b>														
<b>Subcategory</b>	<b>NC</b>	<b>CC</b>	<b>SC</b>	<b>GC</b>	<b>RC</b>	<b>HVC</b>	<b>NO</b>	<b>GO</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>PF/I</b>	<b>GVC</b>	<b>GBC</b>	
Specific Use Type															
* * *															
<del>Special Events</del>													±	±	<del>See Municipal Code Chapter 15, Special Events</del>
* * *															
Farmers' Markets		AT	AT	AT	AT	AT		AT				AT	AT	T	SEE MUNICIPAL CODE CHAPTER 15, SPECIAL EVENTS
* * *															

**Proposed Zoning Code Amendment:**



**Chapter 1 Zoning Regulations, Division 4: General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.5012 Temporary Uses, Table 4.5012 Temporary Uses** is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

\* \* \*

## **4.5012 Temporary Uses**

Temporary uses shall be located and operated in compliance with the following standards:

- A. **Table of Temporary Uses.** Temporary uses are limited to the times identified in Table 4.5012: Temporary Uses:

**Table 4.5012: Temporary Uses**

<i>Use Classification</i>	<i>Time Duration (days)</i>	<i>Frequency of Use</i>	<i>Interval between Uses (days)</i>	<i>Special Event Permit Required</i>
* * *				
Carnival, Small-Scale	4	4 / year	3	no
Farmer's Market	SEE MUNICIPAL CODE CHAPTER 15: SPECIAL EVENTS Subject to the provisions of the approved Administrative Use Permit			YES <del>no</del>
Circus	See Municipal Code Chapter 15: Special Events			yes

Keith Newman finished his presentation and told the Commission that Staff was in support of these changes in Batch H and would ask that they recommend approval to the Town Council for these proposed text amendments.

Chair Sippel thanked Keith Newman for his presentation. Chair Sippel stated that this was a Public Hearing and asked if any member of the audience wished to speak on this item. Seeing none, he asked if any members of the Commission had any questions or comments for Staff. Seeing none, Chair Sippel closed the public hearing and brought the discussion back to the dais.

Comment: Joshua Oehler said that Keith Newman had done a really good job of addressing the comments brought up at last month's Study Session. He said that the attention he paid to the comments is ultimately the reason that the Commission doesn't have any further comments tonight.

Chair Sippel called for a motion on Z18-01. Carl Bloomfield made a **MOTION** to recommended approval of Item 17, Z18-01, to the Town Council; seconded by Joshua Oehler; motion passed unanimously.

### **Motion passed 6-0**

### **ADMINISTRATIVE ITEMS**

Administrative items are for the Commission/Board discussion and action. It is to the discretion of the majority of the Commission/Board regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a public comment

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form indicating the Item Number on which they wish to address. The Commission/Board may or may not accept public comment.

**18. Planning Commission Minutes** – Consider approval of the minutes of the Study Session and Regular Meeting of February 7, 2018.

Vice Chair Andersen asked for a motion to approve the minutes of the February 7, 2018 Planning Commission Study Session and Regular Meeting. A **MOTION** was made by Vice Chair Andersen to approve the Planning Commission minutes of February 7, 2018, seconded by Carl Bloomfield; motion passed unanimously.

**Motion passed 6-0**

**COMMUNICATIONS**

**19. Report from Chairman and Members of the Commission on current events.**

Chair Sippel said it was nice to spend time with his fellow Commissioners at the Gilbert Historical Museum event this past weekend. He said that it is always an event not to miss in the Town of Gilbert.

**20. Report from Council Liaison on current events.**

Council Liaison Brigitte Peterson was not in attendance at tonight's meeting.

**21. Report from Planning Services Manager on current events.**

Planning Services Manager Linda Edwards thanked the members of the Planning Commission for the service they provide to the community. She said she appreciated their expertise in leading the community to excellence. She said they appreciate the comments the Commission shares with Staff so they can continue to do their job well. She also recognized some of the newest members of the Planning Department. She said she was happy to report they have a full staff once again. She said that the newest members of the team were Keith Newman, who they had just heard from and Josh Rogers, who wasn't in attendance at tonight's meeting, but they would be hearing from soon. She also indicated the presence of one of their newest planners, Stephanie Bubenheim.

**ADJOURNMENT**

With no further business before the Planning Commission, Chair Sippel adjourned the Regular Meeting at 7:35 p.m.

Kristofer Sippel, Chairman

ATTEST:

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Debbie Frazey, Recording Secretary

DRAFT